THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.16485 OF 2004

Between:

Palla Venkaiah and another

…….Petitioners

Vs.

The Deputy Secretary, Government of India, Freedom Fighters Division, Ministry of Home Affairs, Lok Nayak Bhavan, Khan Market, New Delhi and two others

….Respondents

Dt.08.09.2005

O R D E R:

This writ petition is filed by P.Venkaiah and Y.Mallamma with a prayer to issue an order more particularly one in the nature of writ of Mandamus directing the respondents to consider the enquiry report submitted by the third respondent, dated 18.04.2003.

The petitioners submitted applications for sanction of Freedom Fighters Pension. Their applications were forwarded to the Central Government. Certain queries have been raised by the Central Government and therefore, pension could not be sanctioned to them. Thus, the petitioners approached this Court by invoking jurisdiction under Article 226 of the Constitution of India.

A counter affidavit has been filed by respondent Nos. 1 and 2. One S.K.Kohli has sworn in to the counter affidavit. It is stated in the counter affidavit that final orders on the applications submitted by the petitioners could not be passed for want of certain particulars.

I deem it appropriate to refer paragraphs 6 & 7 of the counter affidavit and it reads thus:

> *"The case of the petitioner No.1 was examined after receipt of verification report from the State Government vide letter No.10306/FF.I/A2/03 dated 17.04.2003 and it has been found that as per the District Collector's report he remained in underground and worked in Vatsavai Camp, whereas from his application and Co-Prisoner Certificate (CPC) produced it is gathered that he was in Mangollu Camp. Clarifications in this regard has been sought from the State Government vide this respondent's letter No.112/278/97-FF (HC)(P) dated 14.01.2004 followed by subsequent remainder dated 10.11.2004*

*(**Annexure R-1 & R.II).** On receipt of requisite clarification from the State Government the claim of petitioner No.1 will be considered accordingly and appropriate decision was taken and communicated to him.*

*On receipt of verification report along with other relevant documents i.e., Personal Knowledge Certificate and certificates from two Central freedom fighters, the case of petitioner No.2 has been considered as per the provisions of the Swatantra Sainik Samman Pension Scheme' 1980 and the guidelines issued for processing the cases of applicants of Hyderabad Liberation Movement and it has been decided to sanction Samman pension to him. He has been requested to send his Identification Documents on 16.11.2004 **(Annexure R.II).** The formal sanction order granting pension in his favour will be issued on receipt of the same."*

Heard the learned counsel for the petitioners and the learned Standing Counsel for respondent No.1 and the Assistant Solicitor General appearing for respondent No.2

It appears that the applications of the petitioners for sanction of pension under 'Swatantra Sainik Samman Pension Scheme' have been forwarded to the Central Government. So far as petitioner No.2 is concerned, he is found to be eligible for pension and certain clarification has been sought from him. The learned counsel for the petitioner submits that necessary clarification has been sent to the Central Government and final orders sanctioning pension is required to be passed by the Central Government. With regard to the first petitioner, the Central Government sought for certain clarification from the State Government and a reply is required to be given by the State Government.

Such is the situation, it is appropriate to direct the third respondent to send necessary particulars called for by respondents 1 and 2 in respect of the first petitioner and so far as the second petitioner is concerned, respondents 1 and 2 are

directed to pass necessary orders on the clarification furnished by him within two months from the date of receipt of a copy of this order.

The writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY J.,

Dt.08.09.2005

tjs